

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

PRESTON WADE SIMPSON,

Plaintiff,

v.

JIMMY KIRKMAN and CHRIS CROSS,

Defendants.

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No. 1:23-cv-95 JSD

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Self-represented Plaintiff Preston Wade Simpson initiated this action with an incomplete complaint form, dated April 7, 2023. *See* ECF No. 1. This filing appears to be missing the first two pages and the ‘Statement of Claim’ section is blank. *Id.* The Court will direct the Clerk of Court to send Plaintiff a blank form complaint so that he may file an amended complaint in this matter.

The Court warns Plaintiff that a failure to complete this form in its entirety could lead to dismissal of this matter. Furthermore, Plaintiff is advised that the filing of an amended complaint **completely replaces** the original complaint, and so it must include all claims Plaintiff wishes to bring. *See In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). Plaintiff must submit the amended complaint on the court-provided form, and he must comply with the Federal Rules of Civil Procedure, including Rules 8 and 10. Rule 8 requires Plaintiff to set forth a short and plain statement of the claim showing entitlement to relief, and it also requires that each averment be simple, concise, and direct. Rule 10 requires Plaintiff to state his claims in separately numbered paragraphs, each limited as far as practicable to a single set of circumstances. Plaintiff must type, or very neatly print, the amended complaint.

Due to the pending motion to proceed *in forma pauperis* (ECF No. 2), Plaintiff is advised that the Court will review the amended complaint under 28 U.S.C. § 1915.

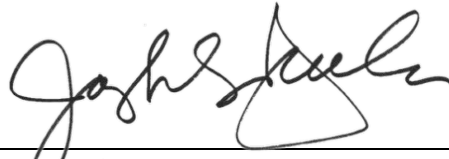
Accordingly,

IT IS HEREBY ORDERED that, within **thirty (30) days** of the date of this Order, Plaintiff shall file an amended complaint in accordance with the instructions set forth herein.

IT IS FURTHER ORDERED that the Clerk of Court shall mail to Plaintiff a blank Prisoner Civil Rights Complaint form.

Plaintiff's failure to timely comply with this Order could result in the dismissal of this action, without prejudice and without further notice.

Dated this 6th day of June, 2023.

A handwritten signature in black ink, appearing to read "Joseph S. Dueker", written over a horizontal line.

JOSEPH S. DUEKER
UNITED STATES MAGISTRATE JUDGE